

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FELIX NACEDO FLORES,

Petitioner,

v.

WARDEN, FCI-MENDOTA,

Respondent.

No. 1:24-cv-00180-KES-SKO (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN PART,
GRANTING RESPONDENT'S MOTION TO
DISMISS, DISMISSING PETITION FOR
WRIT OF HABEAS CORPUS AND
DIRECTING CLERK OF COURT TO ENTER
JUDGMENT AND CLOSE CASE

(Doc. 10)

Petitioner Felix Nacedo Flores is a former federal prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 13, 2024, the assigned magistrate judge issued findings and recommendations to grant respondent's motion to dismiss the petition. (Docs. 8, 10.) Those findings and recommendations were served upon all parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. No objections have been filed, and the deadline to do so has expired. The Court notes that the U.S. Postal Service returned the findings

1 and recommendations on May 17, 2024, as undeliverable.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de
3 novo review of the case. Having carefully reviewed the file, the Court concludes that the
4 magistrate judge's findings and recommendations are supported by the record and proper analysis
5 as to the findings that dismissal is warranted for failure to exhaust administrative remedies and
6 based on mootness.

7 In the event a notice of appeal is filed, a certificate of appealability will not be required
8 because this is an order denying a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241,
9 not a final order in a habeas proceeding in which the detention complained of arises out of
10 process issued by a state court. *Forde v. U.S. Parole Commission*, 114 F.3d 878 (9th Cir. 1997);
11 *see Ojo v. INS*, 106 F.3d 680, 681-682 (5th Cir. 1997); *Bradshaw v. Story*, 86 F.3d 164, 166 (10th
12 Cir. 1996).

13 Accordingly,

- 14 1. The findings and recommendations issued on May 13, 2024, Doc. 10, are adopted
15 in part;
 - 16 2. Respondent's motion to dismiss, Doc. 8, is granted;
 - 17 3. The petition for writ of habeas corpus is dismissed; and
 - 18 4. The Clerk of Court is directed to enter judgment and close the case.
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21 IT IS SO ORDERED.

22 Dated: October 31, 2024



UNITED STATES DISTRICT JUDGE